

Remarks

1. Summary of the Office Action

In the office action mailed July 9, 2004, the Examiner rejected claims 1-7, 13, 14, 16, 17, 19-21, 32, and 33 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,714,791 (Friedman), and the Examiner rejected claim 30 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,377,560 (Dailey). Further, under 35 U.S.C. § 103(a), the Examiner rejected claims 8, 10-12, and 15 as being allegedly obvious over Friedman in view of U.S. Patent No. 6,477,387 (Jackson), claims 18 and 22 as being allegedly obvious over Friedman in view of U.S. Patent No. 6,504,503 (Saint-Hilaire), and claim 27 as being allegedly obvious over Friedman in view of U.S. Patent No. 6,668,173 (Greene).

In addition, the Examiner objected to claims 9, 24-26, 28-29, and 31 as being dependent on rejected base claims but indicated that these claims would be allowable if rewritten in independent form.

2. Status of the Claims

Presently pending are claims 1-33, of which claims 1, 27, 30, and 32 are independent, and the remainder are dependent.

3. Response to Claim Rejections

a. Response to Rejection of Claims 1-8 and 10-23 and Response to Objections of Claims 9, and 24-26

Of these claims, claim 1 is independent. The Examiner rejected claim 1 on grounds of alleged anticipation over Friedman. Applicant submits that this rejection is improper and should be withdrawn, because Friedman fails to teach (expressly or inherently) each and every element recited in claim 1, as would be required to establish anticipation under M.P.E.P. § 2131.

At a minimum, Friedman fails to teach the claimed feature of "responsive to the request, making a determination that a second mobile subscriber is located in a zone in common with the first mobile subscriber; and responsive to the determination, sending a location-reporting message to the second mobile subscriber, the location-reporting message indicating a location of the first mobile subscriber."

This claim language provides a clear logical process flow that involves making a determination that the second mobile station is located in a zone in common with the first mobile station and responsive to the determination sending a location-reporting message to the second subscriber.

Friedman clearly does not teach that logical process flow, since Friedman teaches that the location of party A will be sent to party B whenever party A sends a message to party B (unless a profile record indicates that precise location data should not be sent). The only real issue in Friedman is the granularity at which A's location will be indicated in the message to B. Since Friedman teaches sending A's location to B by rote (unless a profile record indicates that location data should not be sent), Friedman clearly does not teach sending A's location *in response to a determination that A is located in a zone in common with B*.

As an apparently separate matter, at column 13, line 62 et seq., Friedman teaches that a user's buddy list can indicate when "an alert should be generated" in terms of when the user is within a certain distance of the user's buddy. But Friedman does not teach that this alert-generation concept is tied in any way to the idea of a network adding A's location into a message that is being transmitted from A to B. Thus, this is equally inapposite to the invention of claim 1.

Friedman certainly discusses consideration of distance between parties, but Friedman does not teach the logical process flow particularly recited in claim 1. Therefore, Friedman does not anticipate claim 1. Accordingly, Applicant submits that claim 1 is allowable.

Furthermore, without conceding the Examiner's assertions regarding dependent claims 2-8, and 10-23, Applicant submits that claims 2-8 and 10-23 are allowable for at least the reason that they depend from allowable claim 1. Still further, the Examiner has acknowledged that dependent claims 9 and 24-26 recite allowable subject matter, and Applicant also submits that claims 9 and 24-26 are allowable for the additional reason that they depend from allowable claim 1.

**b. Response to Rejection of Claim 27 and
Response to Objection of Claims 28-29**

Of these, claim 27 is independent. The Examiner rejected claim 27 on grounds of alleged obviousness over Friedman in view of Greene. Applicant submits that this rejection is improper and should be withdrawn, because Friedman in view of Greene fails to disclose or suggest all of the limitations of claim 27 as would be required to establish *prima facie* obviousness under M.P.E.P. § 2143.

Applicant submits that the primary Friedman reference fails to teach the invention as recited in claim 27 for largely the same reason (discussed above) that Friedman fails to teach the invention as recited in claim 1. Claim 27 recites a method that involves receiving a request from a first mobile subscriber to report the first subscriber's location to at least a second mobile subscriber, and reporting the first mobile subscriber's location to the second mobile subscriber provided that the second mobile subscriber is located in a zone in common with the first mobile subscriber. Just as with claim 1, Friedman fails to teach this logical process flow, since

Friedman delivers the location of user A in the message being sent to user B regardless of whether A and B are in a common zone.

Furthermore, the secondary Greene reference fails to make up for this deficiency of Friedman. In this regard, the Examiner has not asserted that Greene makes up for this particular deficiency of Friedman, since the Examiner did not recognize this deficiency of Friedman. Given this deficiency of Friedman, and given the failure of Greene to make up for the deficiency, the combination of Friedman and Greene fails to render obvious the invention of claim 27. Therefore, Applicant submits that claim 27 is allowable.

The Examiner has acknowledged that dependent claims 28-29 recite allowable subject matter. Furthermore, Applicant submits that claims 28-29 are allowable for the additional reason that they depend from allowable claim 27.

**c. Response to Rejection of Claim 30 and
Response to Objection of Claim 31**

The Examiner rejected claim 30 on grounds of alleged anticipation over Dailey. Applicant submits that this rejection is improper and should be withdrawn, because Dailey fails to teach (expressly or inherently) each and every element recited in claim 30, as would be required to establish anticipation under M.P.E.P. § 2131.

At a minimum, Dailey does not teach receiving from a first mobile subscriber a request to report the first mobile subscriber's location, which is the first element recited in claim 30. Dailey discloses a system for focused conference setup, where group call data indicates, based on user location, which base stations should be alerted of a requested group-call, and where the base stations assign a traffic channel earlier than normal. Applicant has found no disclosure in Dailey of any entity receiving a request to report a first mobile subscriber's location as recited in claim

30, and thus Dailey fails to teach the invention of claim 30. Dailey also fails to teach other elements of claim 30 in combination with this element.

Because Dailey fails to teach the invention of claim 30, Dailey fails to anticipate claim 30. Therefore, Applicant submits that claim 30 is allowable.

The Examiner has acknowledged that dependent claim 31 recites allowable subject matter. Furthermore, Applicant submits that claim 31 is allowable for the additional reason that it depends from allowable claim 30.

d. Response to Rejections of Claim 32-33

Of these, claim 32 is independent. The Examiner rejected claim 32 on grounds of alleged anticipation over Friedman. Applicant submits that system claim 32 is allowable over Friedman for at least the same reasons that method claim 1 is allowable over Friedman, as discussed above.


Furthermore, without conceding the Examiner's assertion regarding dependent claim 33, Applicant submits that claim 33 is allowable for at least the reason that it depends from allowable claim 32.

4. Conclusion

In view of the foregoing, Applicant submits that all of the pending claims 1-33 are allowable. Therefore, Applicant respectfully requests favorable reconsideration.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-2141.

Respectfully submitted,
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